

## Bi-Annual Code Changes, Spring 2006

### 1. Code Citation: Title 6.140 - Building Fees

#### 6.140.020 Fees payable.

- (1) A fee for each building permit review shall be paid to the building official as set forth in this chapter; provided, that payment of that portion of the fee attributable to valuation of an automatic fire-extinguishing system shall be deferred until submittal of plans and issuance of a separate permit for such system.
- (2) The determination of value for valuation under any of the provisions of this code shall be made by the building official. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditions, elevators, fire extinguishing systems and any other permanent work or permanent equipment.
- (3) When work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fees specified in this section shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed therein.
- (4) Plan Checking Fees. Except when the proposed construction is exempt from the requirements for a building permit, a plan is required to be submitted; a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. (Sec. 30 of Ord. 1997-12-46)
- (5) Commercial building permits may pursue a phased approval per Section 106.3.3 of the International Building Code (IBC) and/or deferred submittals per IBC Section 106.3.4.2. A separate fee is charged for each phase or deferred submittal pursuant to Clark County Code (CCC) Table 6.140.030, Building Fees.
  - (a) Items which may be deferred include, but are not limited to, those listed in Table 6.140.030-1

<b><u>Table 6.140.030-1 Eligible Deferrals</u></b>	
1. <u>Acoustical ceiling suspension system</u>	2. <u>Auxiliary power systems</u>
3. <u>Awnings</u>	4. <u>Bleachers</u>
5. <u>Carports</u>	6. <u>Curtain wall systems</u>
7. <u>Electrical systems</u>	8. <u>Emergency call systems</u>
9. <u>Exit illumination</u>	10. <u>Fire alarm systems</u>

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11. <u>Fire sprinkler</u>	12. <u>Fire stopping</u>
13. <u>Glass guardrails</u>	14. <u>Glazing systems</u>
15. <u>HVAC systems</u>	16. <u>Intercom systems</u>
17. <u>Irrigation systems</u>	18. <u>Metal guardrails and handrails</u>
19. <u>Plumbing systems</u>	20. <u>Post-tensioned concrete structural members or panels</u>
21. <u>Pre-cast concrete structural members or panels</u>	22. <u>Prefabricated stair units to include steel, aluminum, or pre-cast concrete stairs</u>
23. <u>Prefabricated wall panels</u>	24. <u>Pre-stressed concrete structural members or panels</u>
25. <u>Raised floor systems</u>	26. <u>Shelving systems and steel storage racks</u>
27. <u>Signs</u>	28. <u>Skylights</u>
29. <u>Smoke and heat vents</u>	30. <u>Specialty retaining walls</u>
31. <u>Stone veneer</u>	32. <u>Terra cotta veneer</u>
33. <u>Wooden, steel, or composite floor or roof trusses</u>	34. <u>Works of art</u>

(b) If the applicant pursues phased approval, there will be at least two phases, but no more than seven. The seven phases include: footing and foundation, concrete slab and underfloor, lowest floor elevation (flood hazard areas), framing, lath and gypsum board, fire resistant penetrations, energy efficiency and other as applicable.

(6) Residential building permits may pursue a phased approval per Section 106.3.3 of the International Residential Code (IRC). A separate fee is charged for each phase pursuant to CCC Table 6.140.030-2, Building Fees. If the applicant pursues phased approval, there will be at least two phases, but no more than five. The five phases include: foundation; plumbing, mechanical, gas and electrical systems; floodplain; frame and masonry, and other as applicable (may include fire resistance).

## 6.140.030 Fees.

Fees for building activities are set forth pursuant to Table 6.140.030-2

**Table 6.140.030-2 Building Fees**

Section	Activity	Fee
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# Exhibit “A”

1		Commercial Permits	
	A	Commercial plan review	65% of permit fee
	B	Commercial mobile home placement	\$66.80 (apply)/\$133.62 (issue)
	C	Foundation only permit	\$267.23
	D	<u>Phased plan review approval</u>	<u>10% of total building valuation permit fee. The plan review fee shall be a minimum of \$500 with a maximum of \$2,000 on each phase.</u>
	E	<u>Deferred plan review submittals<sup>8</sup></u>	<u>65% of the total building valuation permit fee based on the valuation of the deferred item. The deferred submittal plan review fee will be a minimum of \$250 with a maximum of \$1,000 for each deferred submittal.</u>
2		Commercial Permits – Total Valuation <sup>1</sup>	
	A	\$1.00 to \$500.99	\$28.05
	B	\$501.00 to \$2,000.99	\$28.05 for the first \$500.99 plus \$3.67 for each additional \$100.00, or fraction thereof, to and including \$2,000.99
	C	\$2,001.00 to \$25,000.99	\$83.18 for the first \$2,000.99 plus \$16.70 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.99
	D	\$25,001.00 to \$50,000.99	\$467.31 for the first \$25,000.99 plus \$12.02 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.99
	E	\$50,001.00 to \$100,000.99	\$767.96 for the first \$50,000.99 plus \$8.36 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.99
	F	\$100,001.00 to \$500,000.99	\$1,185.51 for the first \$100,000.99 plus \$6.68 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.99
	G	\$500,001.00 to \$1,000,000.99	\$3,851.84 for the first \$500,000.99 plus \$5.68 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.99
	H	\$1,000,001.00 and up	\$6,697.19 for the first \$1,000,000.99 plus \$3.67 for each additional \$1,000.99 or fraction thereof
3		Residential Permits – Total Valuation <sup>1</sup>	
	A	Issue fee	\$9.35
	B	\$1.00 to \$500.99	\$16.04
	C	\$501.00 to \$2,000.99	\$16.04 for the first \$500.99 plus \$0.72 for each \$100.00 or fraction thereof to and including \$2,000.00
	D	\$2,001 to \$50,000.99	\$26.72 for the first \$2,000.99 plus \$5.34 for each additional \$1,000.00 or fraction thereof to and

# Exhibit "A"

			including \$50,000.00
	E	\$50,001 to \$100,000.99	\$283.26 for the first \$50,000.99 plus \$4.00 for each additional \$1,000.00 or fraction thereof to and including \$100,000.00
	F	\$100,001 and up	\$483.69 for the first \$100,000.99 plus \$2.68 for each additional \$1,000.00 or fraction thereof
	<u>G</u>	<u>Phased approval</u>	<u>10% of total building valuation permit fee. The plan review fee shall be a minimum of \$500 with a maximum of \$2,000 on each phase.</u>
4		Other Activities	
	A	Issuance of permit	\$9.35
	B	Residential plan review <sup>3</sup>	65% of permit fee
	C	Residential permits – Single-family, duplex <sup>4</sup>	\$0.36 per sq. ft.
	i	Garages, storage buildings, sheds	\$0.11 per sq. ft.
	ii	Finished basement	\$0.09 per sq. ft.
	iii	Unfinished basement	\$0.07 per sq. ft.
	iv	Unfinished rooms	\$0.21 per sq. ft.
	D	Mobile home placement	\$26.72 (apply)/\$75.50 (permit)
	E	Modulars <sup>5</sup>	\$26.72 (apply)/\$75.50 (permit)
	F	Plan change	\$46.77
	G	Plumbing/mechanical	
	H	Re-roof	
	i	Per square (100 square feet)	\$0.46
	I	Re-siding	
	i	Per square (100 square feet)	\$0.46
	J	Same as	50% of Residential Plan Review Fee
	K	Sign permits	\$13.36
	L	Storage permits for mobile home	\$36.07
	M	Title elimination for mobile home	\$0.00
	N	State Building Code issuance fee	\$4.50
	O	Fences	\$18.70
	P	Approaches or driveways <sup>6</sup>	\$33.40
	Q	Sidewalks and curbs <sup>6</sup>	\$18.70
	R	Street use	\$18.70
	S	Moved buildings	\$9.35 per \$1,000.00 of market value when ready for occupancy
	T	Demolition	\$0.46 per lineal frontage foot plus \$9.35 for each 10 feet or fraction thereof, in height from the first floor to the highest part of roof

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	U	Adult family home	\$0.07 per sq. ft.
5		Other Inspections and Activities	
	A	Inspections outside of normal business hours (minimum charge of 2 hours)	\$56.12 per hour <sup>7</sup>
	B	Reinspection fees assessed under provisions of Section 305(g)	\$56.12 per hour <sup>7</sup>
	C	Inspections for which no fee is specially indicated	\$56.12 per hour <sup>7</sup>
	D	Additional plan review required by changes, additions or revisions to plans (minimum charge of one-half hour)	\$56.12 per hour <sup>7</sup>
6		Mechanical Fees	
	A	Issuance of permit	\$20.04
	B	Issuance of each supplemental permit	\$6.02
	C	Installation or relocation of each forced-air or gravity-type furnace or burner up to and including 100,000 Btu	\$12.02
	D	Installation or relocation of each forced-air or gravity-type furnace or burner over 100,000 Btu	\$14.69

## Notes:

- Valuation shall be determined by the building official pursuant to Section 6.140.020(B).*
- When work for which a permit is required is proposed for a Group R, Division 3 or Group U, Division 1 structures and involves a permit under the UIBC and one or more codes (UPC, UIMC and/or Washington State Energy Code), the permit holder shall pay a single fee as set forth in Section 4(B) of this table.*
- Said plan checking fees for buildings of Group R Division 3 and U Occupancies shall use the “Same as” fee in Section 4(I) for buildings located in an approved subdivision if an approved building plan is on file with the building department.*
- See one-step fee chart for analysis and break-down of these residential fees.*
- Permits for any modular requiring construction at the site shall be assessed based on value as set forth in Section 2 of this table.*
- Fees shown for sidewalks, curbs and driveway approaches are for separate permits. If any combination of these are installed in one operation, only one permit is required.*

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7 Or the totally hourly cost to the jurisdiction, whichever is greatest. This shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

8 Items requiring separate permits, such as fire sprinkler systems, are not charged additionally. The value of the items must be in the building valuation and then a separate permit and plan review fee is assessed. This constitutes the deferred fee.

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## 2 Code Citation: 14.05.105 - Commercial Code (IBC) Permits

Section 105.5 (Permits Expiration) of the IBC is amended and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is ~~commenced~~ completed within ~~180 days~~ two years after its issuance, ~~or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time work is commenced.~~ The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

## Code Citation: 14.06.105 - Residential Code (IRC) Permits

Section R105.5 (Permits Expiration) of the IRC is amended and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is ~~commenced~~ completed within ~~180 days~~ two years after its issuance, ~~or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time work is commenced.~~ The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

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## 3. Code Citation: 14.05.105 - Commercial Code (IBC) Permits

Section 105.2 (Work Exempt from Permit) of the IBC shall be amended and replaced with the following:

105.2 Work Exempt from Permit. All exemptions are adopted as written in IBC 105.2, unless specifically amended/added below. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for any of the following exempted items. Permits shall not be required for the following:

~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).~~

~~2. Fences not over 6 feet (1829 mm) high.~~

~~3. Oil derricks.~~

# Exhibit "A"

- ~~4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.~~
- ~~5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.~~
- ~~6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.~~
- ~~7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- ~~8. Temporary motion picture, television and theater stage sets and scenery.~~
- ~~9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.~~
- ~~10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.~~
- ~~11. Swings and other playground equipment accessory to detached one- and two-family dwellings.~~
- ~~12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.~~
- ~~13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.~~
14. 1. Minor construction and alteration activities in Group R Division 3 or Group U buildings or structures, for which the total valuation as determined in Section 108.3 does not exceed fifteen hundred dollars; provided, that the construction and/or alteration activity does not affect any structural components, or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbing, or mechanical activities which will require separate permit(s). The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.070 as amended and maintained by the State Building Code Council.
15. 2. Floating structures and bridges.
16. 3. Signs less than or equal to eight feet in height above grade.

**Code Citation:** 14.06.105 - Residential Code (IRC) Permits

Section R105.2 (Work Exempt from Permit) of the IRC is amended and replaced with the following:

105.2 Work Exempt from Permit. All exemptions are adopted as written in IRC 105.2, unless specifically amended/added below. Exemptions from permit requirements of this code shall not

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be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Unless otherwise exempted, separate plumbing, electrical and mechanical permits may be required for any of the following exempted items. Permits shall not be required for the following:

- ~~1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).~~
- ~~2. Fences not over 6 feet (1829 mm) high.~~
- ~~3. 1. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or more than 4 vertical feet of unbalanced backfill.~~
- ~~4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.~~
- ~~5. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.~~
- ~~6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~
- ~~7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.~~
- ~~8. Swings and other playground equipment accessory to a one- or two-family dwelling.~~
- ~~9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.~~
- ~~10. 2. Minor construction and alteration activities for which the total valuation as determined in Section 108.3 does not exceed fifteen hundred dollars; provided, that the construction and/or alteration activity does not affect any structural components, or reduce existing egress, light, air, and ventilation conditions. The permit exemption does not include electrical, plumbing, or mechanical activities which will require separate permit(s).~~
- ~~11. 3. Floating structures and bridges.~~
- ~~12. Window awnings supported by an exterior wall which does not project more than 54 inches (1372 mm) from the wall.~~
- ~~13. 4. Signs less than or equal to eight feet in height above grade.~~

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## **4. Code Citation:** 15.12.907 – International Fire Code (IFC) Alarm and Detection Systems

CCC 15.12.907.2 is added to the Clark County Fire Code as follows:

In addition to the requirements of IFC 907.2, an automatic fire alarm system shall be installed in every building in excess of 5,000 square feet hereinafter constructed, except those portions of



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Group A Division 5 occupancies that are open to the air, Group S Division 2 open parking garages, Group R Division 3, and Group U occupancies.

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## 5. Code Citation: Title 40, all applicable sections

Consistently use the phrase, “Community Development Department,” throughout the unified development code.

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## 6. Code Citation: 40.100.070 – “Definitions”

Nuisance vegetation	“Nuisance vegetation” means noxious weeds such as tansy ragwort, purple loosestrife, poison hemlock, Eurasian milfoil, non-native <del>milfoils</del> <u>blackberries</u> , or other plants listed as noxious by the county pursuant to Section 7.14.070 or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices.
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## 7. Code Citation: 40.100.070 – “Definitions”

Plat, short	“Short plat” means a division or redivision of land into <del>four (4)</del> <u>nine (9)</u> or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
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Small residential project	“Small residential project,” when referring to stormwater and erosion control, means a single-family residential short plat or subdivision of <del>four (4)</del> <u>nine (9)</u> lots or less.
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## Code Citation: 40.540.030 – Short Plats

### A. Purpose.

The purpose of this section is to provide a process to divide property into ~~four (4)~~ nine (9) or fewer lots with a level of review that is proportional to the effect those lots may have on the surrounding area.

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## 8. Code Citation: 40.200.070 - Exceptions to Setback Requirements; and 40.230.070 – Urban Holding Districts (UH-5, UH-10, UH-20, UH-40)

### 40.200.070 Exceptions to Setback Requirements

#### A. Projections into Required Setbacks.

Certain architectural features and structures may project into required setbacks as follows:

1. Side Setback. The following features and structures may project into the required side setback not more than two (2) feet; provided, the width of such side setback is not reduced to less than three (3) feet:
  - a. Cornices, canopies, eaves, belt courses, sills or other similar architectural features;

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- b. Fireplaces; and
- c. Uncovered open porches, decks, landings or stairways not more than thirty (30) inches in height above finished grade,

Projections into the side setback shall not include living space such as bay windows or overhanging breakfast nooks, etc.

2. Front and Rear Setback. Projections that include living space, such as bay windows or overhanging breakfast nooks, etc., and fireplaces may extend up to two (2) feet into the required front or rear setback.
3. Front Setback. Fire escapes, open-uncovered porches, balconies, decks, landing places, outside stairways or fireplaces may project not more than six (6) feet into the required front setback.
4. Side or Rear Setback in Single-Family Residential Districts (R1-5, R1-6, R1-7.5, R1-10 and R1-20). Garden sheds meeting all of the following requirements may be located in the side or rear setback of single-family residential districts (R1-5, R1-6, R1-7.5, R1-10 and R1-20):
  - a. A plot plan drawn to scale showing all existing structures on the site and the proposed garden shed together with the distances between structures and from structures to the abutting property lines;
  - b. Receipt for shed showing total construction costs which do not, with labor, exceed the monetary value contained in Section 14.04.125(12);
  - c. A completed setback waiver for the garden shed application showing the approval of abutting properties that would be affected by the waiver;
  - d. Provisions to ensure that roof drainage is contained on-site;
  - e. Shed must be less than ~~one two hundred twenty~~ (1200) square feet floor area;
  - f. Shed must be less than twelve (12) feet in height;
  - g. Certification that no utilities will be connected to the garden shed.
5. Aboveground utilities.
6. Open porches or stoops, not exceeding eighteen (18) inches in height, and not approaching closer than eighteen (18) inches to any lot line.

40.200.070.D. For the purpose of establishing setbacks from the property lines, any residential lot of record as defined in Section 40.100.070 in the Rural (R-5, R-10 and R-20), Resource (FR-80, FR-40, AG-20 and AG-WL), and Urban Reserve (UR-10 and UR-20) and Urban Holding (UH-5, UH-10, UH-20, UH-40) districts, which has a smaller width, lot depth and/or lot area than that required by this title, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

Table 40.230.070-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks <sup>4</sup>				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
UH-5	50	25	20, 50 <sup>1</sup>	20, 50 <sup>2</sup>	N/A	35 <sup>3</sup>
UH-10	50	25	20, 50 <sup>1</sup>	20, 50 <sup>2</sup>	N/A	35 <sup>3</sup>
UH-20	50	25	20, 50 <sup>1</sup>	20, 50 <sup>2</sup>	N/A	35 <sup>3</sup>

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UH-40	50	25	20, 50 <sup>1</sup>	20, 50 <sup>2</sup>	N/A	35 <sup>3</sup>
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<sup>1</sup> *Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.*

<sup>2</sup> *Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.*

<sup>3</sup> *Residential buildings only.*

<sup>4</sup> *Non-conforming lots subject to the provisions of 40.200.070(D).*

**9. Code Citation:** 40.210.010 - Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, AG-20, AG-WL)

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
1. Residential.					
a. Single-family dwellings	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	
b. Guest house	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	40.260.010
c. Family day care centers	P	P	P	P	40.260.160
d. Home business – Type I	P	P	P	P	40.260.100
e. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
h. Garage sales	P	P	P	P	40.260.090
i. Temporary dwellings	R/A	R/A	R/A	X	40.260.210
2. Services, Business.					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	C	
b. Roadside stands not exceeding three hundred (300) square feet in area	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	
c. Kennels	C	C	C	X	40.260.040
3. Services, Amusement.					
a. Public recreation, scenic and park use	P	P	P	C <sup>4</sup>	
b. Public interpretive/educational uses	P	P	P	P	

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c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts	P	P	P	X	
d. Public recreation accessways, trails, viewpoints, and associated parking	P	P	P	P	
e. Regional recreational facilities designed and developed through a public master planning process	P	P	P	P	
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C <sup>4</sup>	
g. Country club and golf courses	X	X	C	X	
h. Equestrian activities, including rodeos, boarding, training and stabling	P	P	P	X	40.260.040
i. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	40.260.060
<b>4. Services - General</b>					
a. Event facilities < 5,000 sq. ft.	<u>X</u>	<u>C</u>	<u>C</u>	<u>X</u>	
<b>4. 5. Services, Membership Organization.</b>					
a. Churches	X	C	C	X	

**10. Code Citation:** 40.210.010 – Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, AG-20, AG-WL)

Table 40.210.010-2. Lot Requirements				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
FR-80	All Uses	80 <sup>1</sup> <u>or legally described as one eighth (1/8) of a section</u>	660 <sup>2</sup>	None
FR-40	All Uses	40 <sup>1</sup> <u>or legally described as one sixteenth (1/16) of a section</u>	660 <sup>2</sup>	None
AG-20	All Uses	20 <sup>1</sup> <u>or legally described as one thirty-second (1/32) of a section</u>	660 <sup>2</sup>	None
AG-WL	Agricultural	20 <u>or legally described as one thirty-second (1/32) of a section</u>	None	None
	Wildlife game management	20 <u>or legally described as one thirty-second (1/32) of a section</u>	None	None

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	Public interpretive/educational uses	N/A	None	None
	Single-family dwellings	160 <u>or legally described as one fourth (1/4) of a section</u>	None	None
	Plant nurseries	20 <u>or legally described as one thirty-second (1/32) of a section</u>	None	None
	Silviculture	20 <u>or legally described as one thirty-second (1/32) of a section</u>	None	None
	Public recreation accessways and associated parking and trails	N/A	None	None

- 11. Code Citation:** 40.220.020 – Residential and Office Residential Districts (R-12, R-18, R-22, R-43, OR-15, OR-18, OR-22, OR-30, OR-43); and 40.230.010 – Commercial, Business, Mixed Use, and Industrial Districts (CR-1, CR-2, C-2, C-3, CL, CH).

Table 40.220.020-1. Uses											
	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
3. Service, Business.											
a. Mini-storage warehouse	X	X	X	X	X	C	C	C	C	C	
i. <u>accessory care-taker, security or manager residence when incorporated as an integral part of the mini-storage warehouse.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
b. Temporary tract offices and model homes	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	

Table 40.230.010-1. Uses							
	CR-1	CR-2	C-2	C-3	CL	CH	Special Standards
9. Services – General.							
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (< 2,500 square feet)	P	P	P	P	P	P	
b. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (> 2,500 square feet)	X	X	X	P	P	P	

# Exhibit "A"

c. Office equipment and home appliance rental, service and repair agencies	X	C <sup>1</sup>	X	X	P	P	
d. Printing, publishing and lithographic shops	X	C <sup>1</sup>	X	X	P	P	
e. Services to buildings (including dwellings), cleaning and exterminating	X	X	X	C	C	P	
f. Moving and storage	X	X	X	X	X	P	
g. Mini-storage warehouse	X	X	X	X	P	P	
i. <u>accessory care-taker, security or manager residence when incorporated as an integral part of the mini-storage warehouse.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	
h. Auction barns	C <sup>1</sup>	C <sup>1</sup>	X	X	X	P	
i. Branch banks	C <sup>1</sup>	P	P	P	P	P	
j. Event facilities (< 10,000 square feet)	X	P	P	P	P	P	
k. Event facilities (10,000 to 50,000 square feet)	X	X	X	P	P	P	
l. Event facilities (> 50,000 square feet)	X	X	X	X	C	C	
m. RV storage	X	X	X	X	P	P	

## 12. Code Citation: 40.260.010 - Accessory Buildings and Uses

- A. A greenhouse or hothouse may be maintained accessory to a dwelling; provided, there are no sales.
- B. A guesthouse may be maintained accessory to a dwelling, unless otherwise limited by the zoning district.
- C. In districts where single family residential uses are permitted outright, one free-standing garage may be constructed in advance of the construction of the intended principal residence provided that:
1. Building permits have been issued for both the principal residence and the accessory garage;
  2. The garage structure does not contain any habitable floors per Section 40.100.070 of this Title;
  3. A covenant shall be recorded in a form approved by the Prosecuting Attorney restricting the use of the accessory structure as follows until such time as the principal residence is constructed and occupied:
    - a. The garage is used only by the property owner, not leased to others nor used for sales.
    - b. Storage is limited to household items, or household equipment and materials being actively used in the construction of the principal residence.

# Exhibit “A”

- €. D. The height of accessory buildings, including detached garages, greenhouses, guesthouses and similar structures, shall be regulated as follows:
1. In areas zoned R1-20, R1-10, R1-7.5, R1-6 and R1-5:
    - a. On lots less than or equal to twenty thousand (20,000) square feet in area, no accessory building shall exceed eighteen (18) feet in height.
    - b. On lots larger than twenty thousand (20,000) square feet in area, no accessory building shall exceed thirty-five (35) feet in height.
  2. In all other zoning districts, nonagricultural accessory buildings shall not exceed the maximum height limitation for the particular zoning district.
- Đ. E. Three (3) or more dismantled, obsolete or inoperable motor vehicles on one (1) lot shall constitute an automotive recyclable materials facility as defined by this title and shall not be considered an accessory use.

## 13. Code Citation: 40.260.250 - Wireless Communication Facilities

### 40.260.250.E. - Development Standards.

3. Signage. Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a WCF. Any emergency information, public safety warnings, or additional signage required by a governmental agency shall be displayed in an appropriate manner.

## 14. Code Citation: 40.310.010 - Sign Standards

### 40.310.010.E. - Sign Permits Required.

Sign permits pursuant to Section 40.520.050 are required for all signs which are authorized under Sections 40.310.010(F)(3), (G) and (I) except those provided in Table 40.310.010-2 1 and provisions for real estate signs and agricultural signs in Table 40.310.010-3 through Table 40.310.010-6.

Table 40.310.010-2. Additional Sign Standards for Single-Family Residential Districts				
Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Home Business, <sup>1</sup> Temporary Tract Office, or Model Home	1 per home business	2 square feet per sign	Maximum 6 feet	Not allowed
On-Premises Freestanding <sup>2</sup>	1 per street frontage, with 50 square feet minimum spacing	32 square feet total	15 feet	Allowed, with restrictions <sup>3</sup>

# Exhibit “A”

	between signs			
Fascia <sup>2</sup>	1 per building side	32 square feet total	None	
Business Complex Freestanding <sup>2</sup>	1 per frontage	32 square feet total and limited to 2 square feet per tenant and 16 square feet for complex identification	20 feet	
Real Estate Signs <sup>4</sup>	Building street frontage < 120 lineal feet, 1 sign	6 square feet per sign	None	None allowed
	Building street frontage 120 – 1,320 lineal feet, 1 sign	(.05 feet) * (lineal frontage) or a maximum of 32 square feet		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of frontage	32 square feet with minimum of 500 lineal feet spacing between signs		

<sup>1</sup> No additional permit is needed if the sign is part of the home business application.

<sup>2</sup> Applies to conditional uses only. However, legal non-conforming commercial uses in these residential zones are allowed to erect free-standing signs via approval of a sign permit (conditional use permit not required) provided no other business-related signs are currently erected on the property, and the signs meet the standards delineated in this table.

<sup>3</sup> No direct or exposed lighting, such as neon tubes. Internally illuminated sign must have a translucent background and the illuminated portion may not exceed fifty percent (50%) of sign face area. For business complex signs, only the portion identifying the complex may be illuminated.

<sup>4</sup> Real estate signs are for the purpose of advertising a particular lot, building or premises for sale, lease or hire. All real estate signs are temporary.

## 15. Code Citation: 40.310.010 – Sign Standards

Table 40.310.010-2. Additional Sign Standards for Single-Family Residential Districts				
Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Home Business, <sup>1</sup> Temporary Tract Office, or Model Home	1 per home business	2 square feet per sign	Maximum 6 feet	Not allowed
On-Premises	1 per street	32 square feet total	15 feet	Allowed, with



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Freestanding <sup>2</sup>	frontage, with 50 square feet minimum spacing between signs			restrictions <sup>3</sup>
Fascia <sup>2</sup>	1 per building side	32 square feet total	None	
Business Complex Freestanding <sup>2</sup>	1 per frontage	32 square feet total and limited to 2 square feet per tenant and 16 square feet for complex identification	20 feet	
Real Estate Signs <sup>4</sup>	Building street frontage < 120 lineal feet, 1 sign	6 square feet per sign	None	None allowed
	Building street frontage 120 – 1,320 lineal feet, 1 sign	(.05 feet) * (lineal frontage) or a maximum of 32 square feet		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of frontage	32 square feet with minimum of 500 lineal feet spacing between signs		
<u>High School Electronic Message Center</u>	<u>1 per high school</u>	<u>25 square feet</u>	<u>Maximum 20 feet</u>	<u>Review and approval</u>

<b>Table 40.310.010-3. Additional Sign Standards for Multifamily Residential, Office Residential Districts, Mixed Use, <del>Office Campus</del> Employment and University Districts</b>				
<b>Sign Type/Use</b>	<b>Number of Signs Allowed on Premises</b>	<b>Maximum Area</b>	<b>Height</b>	<b>Lighting<sup>3</sup></b>
On-Premises Freestanding	1 per street frontage <sup>1</sup>	16 square feet <sup>2</sup>	Maximum 15 feet	No additional restrictions
On-Premises Fascia	1 per side of building	32 square feet	No height restrictions	No additional restrictions
Business Complex – Freestanding <sup>4</sup>	1 per street frontage	2 square feet/business or professional tenant, for tenant identification, and 16 SF for business complex identification. Total maximum cumulative sign area, thirty-two (32) square feet	Maximum 20 feet	Only that portion of the sign identifying the complex shall be illuminated
<u>High School Electronic Message Center</u>	<u>1 per high school</u>	<u>25 square feet</u>	<u>Maximum 20 feet</u>	<u>Review and approval</u>

# Exhibit “A”

Real Estate Signs <sup>5</sup>	Building street frontage < 120 lineal feet, 1 sign	6 square feet per sign	None	None
	Building street frontage 120 – 1,320 lineal feet, 1 sign	(.05 feet) * (lineal frontage) or a maximum of 32 square feet		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of frontage	32 square feet with minimum of 500 lineal feet spacing between signs		
Allowed Combination of Sign Types	<p>There shall be no combinations of permanent sign types on a single street frontage, e.g., a fascia sign facing the street will preclude the use of a freestanding sign on that street.</p> <p>The use of a business complex sign shall prohibit the use of any other type of freestanding sign, i.e., for a corner lot a business complex sign on one (1) street will require the sign on the other street to also be a business complex sign.</p>			

Table 40.310.010-6. Additional Sign Standards for Rural and Resource Districts				
Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Agricultural Signs <sup>1</sup>	1 per 660 linear feet of road frontage on any one property under the same ownership	32 square feet per sign	Maximum 20 feet	None allowed
Home Businesses	1 per home business	6 square feet	Maximum 8 feet	None allowed
<u>High School Electronic Message Center</u>	<u>1 per high school</u>	<u>25 square feet</u>	<u>Maximum 20 feet</u>	<u>Review and approval</u>
Commercial and Industrial	See additional standards for signs in Commercial Districts			None allowed
Conditional Uses	See additional standards for Conditional Use signs in Single-Family Residential Districts			None allowed
Real Estate Signs <sup>2</sup>	See additional standards for Real Estate signs in Single-Family Districts			None allowed

**16. Code Citation:** 40.320.010 – Landscaping and Screening on Private Property

**See next page for proposed changes.**

Table 40.320.010-1 Landscaping Standards													
Zoning of Proposed Development													
		Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Campus, Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial			
		R1, R <sub>1</sub> and RC, UH and UR zones		R-12 through R-43		OR, OC, BP and U zones		All C zones, MX		ML		MH	
Zoning of land abutting development site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Single-family	All R1, R, and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L4 in 105- ft L5 in 150- ft	L3 10-ft	L4 in 40-ft L5 in 50-ft	L3 10-ft	L4 in 10-ft L5 in 15-ft
Multifamily	R-12 – R- 43	None	L3 5-ft	L1 5-ft	L1 5-ft	L1 5-ft	L2 5-ft	L2 <sup>1</sup> 10-ft	L4 in 105- ft L5 in 150- ft	L3 10-ft	L4 in 40- ft L5 in 50- ft	L3 10-ft	L4 in 10-ft L5 in 15-ft
Campus, Office Residential, Employment and university	OR, OC, and U zones	L1 5-ft	L3 10-ft	L1 10-ft	L2 5-ft	L2 5-ft	L3 5-ft	L2 <sup>1</sup> 10-ft	L3 5-ft	L2 10-ft	L4 in 10-ft L5 in 15-ft	L3 10-ft	L4 in 10-ft L5 in 15-ft
Commercial and Mixed Use	All C zones	L1 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 <sup>1</sup> 10-ft	L1 <sup>2</sup> 0-5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial	ML	L1 5-ft	L3 20-ft	L2 5-ft	L3 20-ft	L2 5-ft	L3 10-ft	L3 10-ft	L2 5-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft
	MH	L1 5-ft	L3 50-ft	L2 5-ft	L3 50-ft	L2 5-ft	L3 15-ft	L2 10-ft	L3 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L1 5-ft
Resource	All	L1 5-ft	L3 50-ft	L2 5-ft	L3 50-ft	L2 5-ft	L3 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft

<sup>1</sup> If building wall is to be built within ten (10) feet of a public right-of-way the required buffer shall be L1 five (5) feet for that portion of the site.

<sup>2</sup> If building is to be built on the property line there is no required buffer for that portion of the site.

<sup>3</sup> Applies to land division applications and not single-family building permits on existing parcels.

<sup>4</sup> See special setback requirements required by section 40.260.070 - Community Buildings, Social Halls, Lodges, Fraternal Organizations, Clubs, Public and Private Schools, Private Recreational Facilities and Churches

## 17. Code Citation: 40.350.020 - Transportation Concurrency Management System

### H. Exemptions from Concurrency Requirements.

The following types of development applications shall not be subject to a concurrency denial:

1. K – 12 public schools incorporating commitments to commute trip reduction consistent with Chapter 5.50 of this code;
2. Fire/police stations;
3. Public transit facilities;
4. Neighborhood Parks

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## 18. Code Citation: 40.510.010 - Type I Process – Ministerial Decisions; and 40.510.020 – Type II Process – Administrative Decisions; and 40.510.030 – Type III Process – Quasi-Judicial Decisions

### 40.510.010 - Type I Process – Ministerial Decisions

#### B. Review for Fully Complete Status.

3. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference. If submittal requirements are not specified in the applicable code sections the application is fully complete if it includes the following:
  - a. ~~A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application; A signed statement from the applicant certifying that the application has been made with the consent of the lawful property owner(s) and that all information submitted with the application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. Submittal of the application gives consent to the county to enter the property(ies) subject to the application;~~

### 40.510.20 Type II Process – Administrative Decisions

#### C. Review for Fully Complete Status.

3. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference. If submittal requirements are not specified in the applicable code sections the application is fully complete if it includes the following:
  - a. ~~A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application A signed statement from the applicant certifying that the application has been made with the consent of the lawful property owner(s) and that all information submitted with the application is complete and correct. False statements, errors, and/or omissions may be sufficient~~

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cause for denial of the request. Submittal of the application gives consent to the county to enter the property(ies) subject to the application;

## 40.510.030: Type III Process – Quasi-Judicial Decisions

### C. Review for Fully Complete Status.

3. An application is fully complete if it includes all the required materials specified in the submittal requirements for the specific development review application being applied for and additional materials specified in the pre-application conference. If submittal requirements are not specified in the applicable code sections the application is fully complete if it includes the following:
  - a. ~~A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application; A signed statement from the applicant certifying that the application has been made with the consent of the lawful property owner(s) and that all information submitted with the application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. Submittal of the application gives consent to the county to enter the property(ies) subject to the application;~~

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## 19. Code Citation: 40.510.020 - Type II Process – Administrative Decisions

### A. Pre-Application Review.

1. The purposes of pre-application review are:
  - a. To acquaint county staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
  - b. To acquaint the applicant with the applicable requirements of this code and other law. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The pre-application review does not prevent the county from applying all relevant laws to the application; and
  - c. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public can attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.
2. Pre-application review is required for applications, with the following exceptions:
  - a. The application is for one (1) of the following use classifications:
    - (1) Section 40.210.010, Forest and Agriculture districts;
    - (2) Section 40.520.020, Planning Director reviews and similar use determinations,
    - (3) Chapter 40.260, special uses (unless specified as a Type III review),
    - (4) Section 40.260.220, temporary permits,
    - (5) Section 40.530.050, change in nonconforming use,
    - (6) Section 40.260.210, temporary dwelling permit,
    - ~~(7) Section 40.560.020(F), release of concomitant rezone agreements,~~
    - (8) Section 40.520.060, post-decision reviews,
    - (9) Section 40.450.040, preliminary (stand-alone) wetland permit,

# Exhibit “A”

- (10) SEPA review for projects that are not otherwise Type II reviews (e.g., grading);  
 (11) Section 40.500.010, Interpretations; or

## 20. Code Citation: 40.510.050 Application submittal requirements

<b>Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews</b>		
<b>Submittal Item</b>	<b>Required for Pre-Application</b>	<b>Required for Application</b>
9. Proposed Development Plan. The proposed plan shall be drawn to a minimum engineer’s scale of one (1) inch equals two hundred (200) feet (1" = 200') on a sheet no larger than twenty-four (24) inches by thirty-six (36) inches (24" x 36"). The following information shall be clearly depicted on the proposed development plan:	X	X
c. Proposed Improvements.	X	X
(3) Landscaping – Landscape plan for urban area arterial and collector roadways and on-site landscaped areas to include:		X
(a) Location, number, species, size at planting, and spacing of proposed plant material;		X
(b) Location, number, species and size of existing landscape material to be removed and/or retained;		X
(c) Location, type (such as sod, groundcover or shrub mass) and area (in terms of square feet and percentage of site) of all soft landscaped areas and buffers;		X
(d) Location, height and materials of fences, buffers, berms, walls and other methods of screening;		X
(e) Surface water management features integrated with landscape, recreation or open space areas;		X
(f) Location, size and construction type of hard landscaping features such as pedestrian plazas; and		X
(g) Active and passive recreational or open space features.		X
(h) <u>Location of all roadway intersection site distance triangles per 40.350.030(B)(8)</u>		X

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## 21. Code Citation: 40.520.040 - Site Plan Review

### F. Final Site Plan/Final Construction Plan Review.

1. Submittal Requirements. All of the materials listed below must be submitted for a complete application, unless otherwise authorized by the responsible official:
  - d. Proposed Final Site Plan. Unless waived by the responsible official, a proposed final site plan shall be approved prior to the issuance of a building permit for all development subject to site plan review. Where construction plans are required, the proposed final site plan shall be included as a sheet in the construction plan set. The proposed final site plan shall include the following:
    - (1) Project name;
    - (2) Legend;
    - (3) Location, including one-quarter (1/4) section, section, township, range, and, as applicable, donation land claim and/or subdivision;
    - (4) Boundary survey;
    - (5) Lot, block and street right-of-way and centerline dimensions;
    - (6) Street names;
    - (7) Scale, including graphic scale, north arrow and basis of bearings;
    - (8) Identification of areas to be dedicated;
    - (9) Special setbacks (if any);
    - (10) Private easements (if any);
    - (11) Utility easements;
    - (12) Walkways (if any);
    - (13) Building square footage; and
    - (14) Parking layout and number of spaces.
  - e. Conditions, covenants and restrictions, notes, and/or binding agreements as required by this code, SEPA, conditions of preliminary plat approval or other law, including but not limited to the following:
    - (1) Private road maintenance agreement, if applicable,
    - (2) Stormwater covenant, if applicable,
    - (3) Wetland and/or habitat covenant(s), if applicable,
    - (4) Recorded conservation covenant, if applicable, and
    - (5) Latecomer's agreement, if applicable.
  - f. Verification of installation of required landscape.
  - g. Copy of recorded public and private off-site easements and right-of-way dedications for required improvements;
  - h. Final archaeology comments, if applicable;
  - i. Receipt showing payment of concurrency modeling fees;
  - j. Other supporting documents required pursuant to the preliminary site plan decision.

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## 22. Code Citation: 40.520.080 - Planned Unit Development

### E. Standards and Requirements.

# Exhibit “A”

## 1. General Requirements.

- c. Common Open Space. No open area may be accepted as common open space within a planned unit development, unless it meets the following requirements:
    - (1) The location, shape, size and character of the common open space is suitable for the planned unit development;
    - (2) The common open space is for amenity or recreational purposes, ~~or is used to maximize solar access to units incorporating solar energy systems~~; provided, that the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the number and type of dwellings provided;
    - (3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation, such as wetlands, may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space;
      - (a) Landscaping shall be installed and financial assurance measures provided pursuant to 40.320.010(G).
      - (b) If a planned unit development is phased, the requirements of 40.520.080(E)(1)(3)(a) shall be satisfied prior to provisional acceptance of improvements in conformance with conditions of approval for each phase of the development.
- 

## 23. Code Citation: 40.530.050 – Legal Nonconforming Uses

### A. Discontinuation of Legal Nonconforming Status.

- 1. Nonconforming uses shall be considered abandoned and discontinued in terms of legal nonconforming status if the legal nonconforming use ceases for a period of six (6) months or more, or is changed to a conforming use.
  - ~~2. A nonconforming use not involving a structure or one involving a structure (other than a sign) having an assessed value of less than two hundred dollars (\$200), shall be discontinued.~~
  - 32. Uses which are nonconforming with respect to provisions for screening shall not be considered as legally nonconforming, and shall provide screening as required under current standards and regulations of the underlying zoning district within a period of five (5) years of the initial nonconformity. In cases of nonconforming screening where the existing use is not permitted in the underlying zoning district, the responsible official may impose screening standards of the district in which the use is normally permitted.
  - ~~43.~~ That portion of a commercial or industrial nonconforming use of property involving outside storage of inventory, supplies, or other material shall be abated within six (6) months of the adoption of the ordinance codified in this chapter unless, within such period, application for site plan approval is made and thereafter granted for such outside storage. Site plan approval for nonconforming outside storage shall be processed in accordance with the standards of the district within which such use is permitted.
-



## 24. Code Citation: 40.550.020 - Variances

### A. Type I and II (Administrative) Variances.

1. The responsible official may grant a variance to numerical standards including but not limited to: setbacks, buffers, building height, landscaping, lot coverage, lot dimensions and parking standards but not including lot area, density or qualifying standards for programs such as infill or density transfer as provided in this title.
  2. An application for a variance(s) pursuant to this section shall be subject to Type I review if the variance(s) is for ~~less than~~ up to and including ten percent (10%) of the numerical standard(s) in question, except as provided in Section 40.550.020(A)(4). An application for a variance(s) pursuant to this section shall be subject to Type II review if the variance(s) is for more than ten percent (10%) up to and including twenty-five percent (25%) of the numerical standard(s) in question, except as provided in Section 40.550.020(A)(4). The responsible official may not approve an administrative variance of more than twenty-five percent (25%) of a numerical standard.
- 

## 25. County Citations: 40.570.080 - SEPA and County Decisions

### C. SEPA Policies.

The county designates the following general policies as the basis for county's exercise of authority pursuant to this chapter:

3. The county designates the following policies applicable to the major elements and selected subelements of the environment as defined by WAC 197-11-444, and incorporates by reference the policies in the cited county codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action:
  - b. Air. It is the county's policy to maintain and enhance air quality in the community. The county generally defers to the Southwest Clean Air Agency (SWCAA) on matters of stationary sources of air pollution, while supporting the Regional Transportation Council (RTC) in the reduction of mobile sources of air pollution. It is the county's policy to require air quality analyses for proposed developments when recommended by SWCAA or RTC. In addition to compliance with the standards and requirements of the following code provisions, it is also the county's policy to further mitigate the generation of dust and odors from land use activities through the local permitting process:
    - (1) Section 40.200.010, Purpose;
    - (2) Section 40.230.030, Office Campus district, Sections 40.230.030(D) ~~(8)(c)~~ and ~~(D)(8)(d)~~ (7);
    - (3) Section 40.230.030, Business Park district, Sections 40.230.030(D) ~~(8)(c)~~ and ~~(D)(8)(d)~~ (7);
    - (4) Section 40.230.080, Industrial districts, Sections 40.230.080(D)(2) and (D)(3);
    - (5) Section 40.230.050, University district, Sections 40.230.050(D)(5)(c) and (D)(5)(d);
    - (6) Section 40.250.020, Surface Mining Overlay district;
    - (7) Chapter 40.260, Special Uses and Standards, Sections 40.260.040, 40.260.120 and 40.260.170;
    - (8) Chapter 40.340, Parking, Loading and Circulation, Section 40.340.010;

## Exhibit “A”

- (9) Section 40.260.200, Solid Waste Handling and Disposal Sites, Sections 40.260.200(F)(2)(e) and (F)(2)(f).
- g. Noise. It is the county's policy to minimize noise impacts associated with land use changes, including those related to existing sources of noise. To this end, it is the policy of the county to require that new sources of noise be limited to the maximum environmental noise levels of Chapter 173-60 WAC; even within these regulatory standards, an increase of more than five (5) decibels (dBA) over ambient noise levels at the receiving properties may be considered significant. It is further the county's policy to encourage that sources of noise otherwise exempt from Chapter 173-60 WAC that may affect existing or proposed residential uses (e.g., traffic, discharge of firearms, utility installations, etc.) be mitigated to the standards thereof as a Class B source of noise (i.e., fifty-seven (57) dBA), and to require noise studies where necessary to assure that proposals address these policies. Additional noise policies are contained within the following code provisions:
- (1) Section 8.11.060, Animal nuisances;
  - (2) Chapter 9.14, Public Disturbance Noises;
  - (3) Section 40.220.020, Residential Districts and Office Residential Districts, Sections 40.220.020(A)(1)(b) and (A)(2);
  - (4) Section 40.230.030, Office Campus District, Section 40.230.030(D) ~~(8)(a)~~ (7);
  - (5) Section 40.230.030, Business Park District, Section 40.230.030(D) ~~(8)(a)~~ (7);
  - (6) Section 40.230.080, Industrial Districts, Section 40.230.080(D);
  - (7) Section 40.230.050, University District, Section 40.230.050(C)(5)(a);
  - (8) Section 40.250.020, Surface Mining Overlay District;
  - (9) Section 40.520.040, Site Plan Review, Section 40.520.040(E)(2);
  - (10) Section 40.520.030, Conditional Use Permits, Section 40.520.030(E);
  - (11) Chapter 40.260, Special Uses and Standards, Sections 40.260.040, 40.260.120 and 40.260.170;
  - (12) Section 40.260.120, Solid Waste Handling and Disposal Sites, Section 40.260.120(E)(2)(f);
  - (13) Chapter 40.510, Type I, II, III and IV Processes, Sections 40.510.01(C)(3), 40.510.020(D)(5) and 40.510.030(D)(7); and
  - (14) Chapter 24.12, Solid Waste Management, Section 24.12.270.
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### **26. Code Citation: 40.570.080 – SEPA and County Decisions**

40.570.080.C.3.k, Historic and Cultural Preservation. It is the county's policy to recognize and protect important historic and cultural resources, including those listed on the national, state and local registers of historic places; cultural resources inventoried by the State Archaeologist and Clark County; and as yet unrecorded sites, objects or structures. The county adopts by this reference the Clark County Archaeological Predictive Model and associated probability maps (which may be periodically updated to reflect the best available information) completed by Archaeological Investigations Northwest, Inc., in December, 1994, and establishes the following matrix (Table 40.570.080-1) as a guideline for when an archaeological predetermination survey should be required based upon: the probability maps; the described impact potential of land use applications; and the cited exceptions.

# Exhibit “A”

## (1) ARCHAEOLOGICAL PREDETERMINATION SURVEY REQUIRED (Yes/No)

Table 40.570.080-1.				
Predictive Model Map Designation		Potential for Impacts		
Class	Probability Index	Low <sup>1</sup>	Moderate <sup>2</sup>	High <sup>3</sup>
1	1%–20% } Low	No	No	No
2	21%–40% } Low-Moderate	No	No	Yes
3	41%–60% } Moderate	No	Yes	Yes
4	61%–80% } Moderate-High	No	Yes	Yes
5	81%–100% } High	No	Yes	Yes

<sup>1</sup> Low potential impacts: Those activities involving no ground disturbance, normal maintenance and repair of existing structures and facilities, lands that have been substantially disturbed to a depth of more than eight (8) inches, and areas that have been adequately surveyed in the past with no discovery of resources.

<sup>2</sup> Moderate potential impacts: Activities involving slight ground disturbance not otherwise characterized as having low or high impact potential.

<sup>3</sup> High potential impacts: Activities involving disturbance of more than twelve (12) inches below the ground surface and more than ten thousand (10,000) square feet of area.

### (2) Exceptions.

- (a) A predetermination survey should be required for any high potential impact project located within one-quarter (1/4) mile of a recorded site, regardless of the probability map designation.
  - (b) A predetermination survey should be required for any moderate through high potential impact project located within five hundred (500) feet of a known unrecorded site, regardless of the probability map designation.
  - (c) A survey should be required upon discovery of an archaeological site during development of any permitted project, regardless of the probability map designation.
  - (d) A site walkover shall be an adequate predetermination survey for properties in the Predictive Class 1-3 unless a significant archaeological site has been discovered or indicated. Any more intensive investigation shall be determined by site-specific conditions which indicate the need for subsurface analysis.
- (3) Predetermination. In any case where the preceding criteria calls for an archaeological predetermination survey, the project proponent may provide an independent archaeological predetermination report and/or request and pay a fee for a site inspection and predetermination by the county’s consulting archaeologist in order to determine whether the likely presence of resources necessitates a survey.